

To be included in all Federal Aid Contract Bid Documents  
Effective date 10/13/04

## **SPECIAL PROVISION**

### **PROMPT PAYMENTS**

It is a requirement of Federal Regulations, under the “Disadvantaged Business Enterprise Program” (49 CFR Part 26), that the following be complied with:

Within 21 days of the issuance of progress payments, the Contractor shall pay, in full, all subcontractors and suppliers for the value of satisfactorily completed work and materials placed under the contract and for materials in accordance with 109.07 or 109.08 paid for in the progress payments. If the Contractor withholds any portion of payment from a subcontractor, the Contractor shall, within the same timeframe, demonstrate to and obtain acknowledgement from the NHDOT Compliance Review Officer that the Contractor has reasonable cause that the subcontractor failed to satisfactorily complete work, or portions thereof; or that the supplier failed to provide materials as specified above. When the Contractor is found noncompliance with this specification, sanctions will be imposed as determined by the Department.

For purposes of this Section, satisfactorily completed means:

The subcontractor has fulfilled the contract requirements of the Prime Contractor including the submission of all documentation required by the Specifications and the subcontract.